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California State Senate

SENATOR
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PRESIDENT PRO TEMPORE
SIXTH SENATE DISTRICT

STANDING COMMITTEES:
SENATE RULES
CHAIR
APPROPRIATIONS
PUBLIC SAFETY



September 4, 2013

Carl Guardino

Gary Toeppen

Co-Chairs, CEQA Working Group

Dear Carl and Gary:

I want to update you on my CEQA reform efforts and to reach out to you to request that we join together to conclude our work this year successfully.

Nearly a year ago to the day, I joined then-Senator Rubio in the Senate chambers to say we were setting aside the last minute amendments to SB 317 to work on real CEQA reform in the coming year. I was clear that CEQA needed modernization and reform, but that the fundamentals of the law were sound. In a legislative process that requires compromise from all parties, only reasoned compromise would succeed.

Over that year, with you and your representatives at the table along with those from organized labor and the environmental community, we have framed up a series of important proposals to streamline, reform, and modernize the statute. These reforms represent solid progress in making CEQA work better.

I readily acknowledge that they go too far for groups like the Sierra Club and PCL, who oppose the bill. At the same time, they do not meet the expectations of my friends in the business community who believe more fundamental change is needed.

We are now down to our final days of the legislative session. It is time to bring our efforts together before the session ends.

SB 731, as proposed to be amended, does all of the following:

1. Excludes from CEQA consideration impacts from parking, aesthetics, and traffic levels of service in transit priority areas in order to remove mitigation and lawsuits based on those impacts for over 1200 square miles of urban projects where most new housing is built.
2. Directs the Governor's Office of Planning and Research to develop new standardized thresholds for noise and for transportation impacts for use by public agencies to streamlining CEQA review for urban projects.
3. Establishes in statute a process by which courts can "sever" only those portions of EIR's found to be in violation of the law and direct public agencies to correct them while allowing projects to proceed where they otherwise are in compliance with the law.
4. Expands key streamlining features supported by the business community in past laws to allow, solely at the option of the project proponent, for the concurrent and electronic preparation of the administrative record to shave months off potential litigation. (This process already has been successfully used by Apple for its Campus 2 project in Cupertino and by the Soitec Solar Project in San Diego County. SB 731 expands it to ALL projects).
5. Helps streamline approvals for renewable energy projects and creates in law a "one stop shop" ombudsman to expedite renewable project approvals.
6. Strengthens the public's ability to gain access to environmental mitigation monitoring information and to actions by public agencies to override significant environmental effects of a project to promote transparency.

By most objective measures, this package of changes represents the balanced CEQA reform and modernization we all sought when we started this process. Still, your group has recently come out in opposition to the bill.

In an effort to find common ground, I offer the following final amendments if you are willing to support SB 731 and to help push it across the finish line:

- 1. Amend the bill to amend or strike out provisions affecting public notice, statements of overriding consideration, mitigation monitoring, and concurrent preparation of the administrative record to the extent you believe these provisions create new litigation opportunities not currently in law.**
- 2. Further expand OPR authority to adopt guidelines to establish alternative metrics for transportation impacts outside the transit priority areas. Those metrics may include level of service where appropriate. This has been a key sticking point for environmental groups and labor but I am prepared to makes the change if it helps your group to support the bill.**

With these changes, you will be able to represent that the streamlining in the bill is real progress, and that it removes significant barriers to urban development that we all supported when we joined in passing SB 375.

I make this offer in the spirit of good faith and compromise. We would be doing the people of the state a public service to get this round of CEQA reform done and to move on to the many other challenges facing our state.

I hope you will give this offer your positive consideration. We've come too far together this year to see our efforts fail and have several more years of the status quo with no CEQA modernization.

I look forward to hearing your early reply to my proposal, and thanks for all your hard work on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Steinberg", with a stylized flourish at the end.

DARRELL STEINBERG
President Pro Tempore

DS:kl